

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

**Clayton Keith Rutan
12 E. Landing
Sanford, NC 27332**

Case No. 17-80451

Chapter 13

SS# xxx-xx-6199

SS# _____

Debtor(s)

AMENDED NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on June 9, 2017.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$1,850.00** per month for a period of **3** months followed by a payment of **\$2,981.00** for **57** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs**1. Attorney fees.**

- ☒ The attorney for the Debtor will be paid the base fee of \$4,500.00. The Attorney has received \$_____ from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. Trustee costs. The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses**III. Priority Claims**

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Harnett County Tax Department	\$0.00
Internal Revenue Service	\$0.00
NC Department of Revenue	\$0.00
NC Employment Security Commission	\$0.00

IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Cardinal Financial	12 E. Landing Sanford, NC 27332 Harnett County	R	N	\$1,409.69	\$1,691.92	

2. Personal Property Secured Claimsa. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Northwest Federal Credit Union	2015 Ford F250 Crew Cab 4WD XLT	\$28,957.50	Y	\$14,396.50	\$190.00	\$585.00	6%
SunTrust Bank	2015 Jeep Wrangler Sahara 4WD 6 cyl.	\$28,303.00	Y	\$0.00	\$256.00	\$572.00	6%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 0 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☒ None
- b. Other classes of unsecured claims and treatment
- c. Other Special Terms

Date: June 26, 2017

/s/ Brandi L. Richardson

Brandi L. Richardson 38699

Attorney for the Debtor

Address: **PO Box 840
Reidsville, NC 27323**

Telephone: **336-348-1241**

State Bar No. **38699**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:)	
Clayton Keith Rutan)	NOTICE TO CREDITORS
)	AND
)	PROPOSED PLAN
SS# xxx-xx-6199)	
SS# _____)	Case No. 17-80451
Debtor(s))	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Amended Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

Reid Wilcox
Clerk of Court- U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402

Richard M. Hutson, II
Chapter 13 Trustee- Durham Division
Post Office Box 3613
Durham, NC 27702-3613

ARS
PO Box 469046
Escondido, CA 92046

ARS National Services Inc.
PO Box 463023
Escondido, CA 92046

AT&T Bankruptcy Department
PO Box 769
Arlington, TX 76004

Attorney General of the United States
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Barclay's Bank Delaware
PO Box 8802
Wilmington, DE 19899

Behavioral Healthcare Associates, LLC
319 Court Square
Sanford, NC 27339

Cardinal Financial
1 Corporate Drive, Suite 360
Lake Zurich, IL 60047-8945

Chase Card Services
PO Box 15145
Wilmington, DE 19850

Chase Card Services
PO Box 15298
Wilmington, DE 19850

Citibank, NA/Shell Card
PO Box 6406
Sioux Falls, SD 57117

Credit Bureau of Greensboro
PO Box 26140
Greensboro, NC 27402

Credit Collection Service
Two Wells Avenue
Newton Center, MA 02459

Credit Collection Services
725 Canton Street
Norwood, MA 02062

Harnett County Clerk of Court
301 W. Cornelius Harnett Blvd.
Lillington, NC 27546

Harnett County Tax Department
305 W. Cornelius Harnett Boulevard
Suite 101
Lillington, NC 27546

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
2303 Meadowview Road
Insolvency, Mail Stop 9
Greensboro, NC 27407

Kathleen Rutan
12 E. Landing
Sanford, NC 27332

Lending Club
71 Stevenson Street, Suite 300
San Francisco, CA 94105

Military Star
Exchange Credit Program
PO Box 650410
Dallas, TX 75265

NC Department of Revenue
Attn: Reginald S. Hinton, Process Agent
PO Box 25000
Raleigh, NC 27640

NC Employment Security Commission
PO Box 26504
Raleigh, NC 27611

Northwest Federal Credit Union
PO Box 1229
Herndon, VA 20172

Paypal Credit
c/o Comenity Bank
PO Box 5138
Lutherville Timonium, MD 21094

Portfolio Recovery Associates
PO Box 41067
Norfolk, VA 23541

Smith Debnam Attorneys at Law
PO Box 26268
Raleigh, NC 27611

SunTrust Bank
PO Box 26527
Richmond, VA 23261

Synchrony Bank Bankruptcy Department
PO Box 965060
Orlando, FL 32896

Talis Management, LLC
8305 Falls of Neuse Road, #200
Raleigh, NC 27615

US Attorney- Middle District of NC
Attn: Civil Process Clerk
101 S. Edgeworth Street 4th Floor
Greensboro, NC 27401

US Department of Defense
8899 E. 56th Street
Indianapolis, IN 46249

US Department of Treasury
Debt Management Services
PO Box 979101
St. Louis, MO 63196

USAA
10750 W Ih 10
USAA Building Bk P3 East
San Antonio, TX 78288-1600

Wells Fargo Card Services
PO Box 522
Des Moines, IA 50306

Date: June 26, 2017

/s/ Brandi L. Richardson
Brandi L. Richardson 38699